

REMARKS

This Amendment is in response to the Office Action dated December 8, 2004. Claims 28-33, 36-40, and 42-44 has been canceled, without prejudice and claims 23 and 24 are amended to correct typographical errors. Claims 19, 21-27, 34, and 41 are presently pending.

§§102 and 103 Rejections

Claims 19, 21-24, 28, 29, 34-39 and 41 were rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,332,127 to Bandera et al. (hereinafter "Bandera"). Claims 25-27, 30-33 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bandera in view of U.S. Patent No. 6,198,935 to Saha et al. (hereinafter "Saha"). The Applicant traverses these rejections.

In maintaining the rejection of the claims, the Office Action asserts that " the rest of the limitation 'to determine content that is related to the linked resource and also related to the location of the mobile terminal' is intended use only." The Applicants are puzzled by this statement because a review of the claims clearly demonstrate that this is not the case.

For example, claim 9 is directed to a computer-implemented method that includes "automatically employing the location of the mobile terminal to determine content that is related to the linked resource and also related to the location of the mobile terminal." One example of the claimed invention is a computer having stored thereon a computer-executable program that implements the elements listed in claim 9. It is clear that such a computer-executable program will include code that implements "automatically employing the location of the mobile terminal to determine content that is related to the linked resource and also related to the location of the mobile terminal," and this code will be different than code that implements "automatically employing the location of the mobile terminal" to achieve a different objective. Thus, the element "to determine content that is related to the linked resource and also related to the location of the mobile terminal"

is truly an element that relates to the structure of the claimed invention and, therefore, this element must be considered during prosecution.

The same can be said about claim 34 in which the processor is not merely configured to enable the action of searching a database, but is specifically configured to enable the action of “searching a database to determine content that is related to the link and the automatically determined location.” Claim 41 contains a similar element that cannot be ignored.

Moreover, each of claims 19, 34, and 41 disclose that the related content is displayed on, provided to or enabled for displaying on a mobile terminal. According to the claims, the term “related content” means “content that is related to the linked resource [or link] and the location of the mobile terminal.” The term “related content”, therefore refers back to the portion of the claim which the Office Action ignores. This reference in another claim element demonstrates that the claim element “to determine content that is related to the linked resource and also related to the location of the mobile terminal” is not superfluous and can not be ignored. This claim element must be considered in determining patentability of the claim.

In addition, Bandera does not teach or suggest, alone or in combination with Saha, every element of claims 19, 34, and 41 because Bandera does not display, provide to, or enable for displaying the related content on a mobile terminal. “Related content” is clearly recited in the claims as “content that is related to the linked resource [or link] and also related to the location of the mobile terminal.” The Office Action implicitly acknowledges that this is not what Bandera does and, hence, the necessity of ignoring a claim element. The term “related content” must be understood in relation to the claim and, accordingly, Bandera, alone or in combination with Saha, does not teach or suggest displaying, providing to, or enabling for display the related content on a mobile terminal.

For at least these reasons, independent claims 19, 34, and 41 are patentable over the cited references. Dependent claims 21-27 are patentable for at least the same reasons as independent

claims. Accordingly, the Applicant respectfully requests withdrawal of the rejections of these claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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